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OMNI PACIFIC COMPANY, INC.

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE BRANCH**

21 OMNI PACIFIC COMPANY, INC.,  
22 Plaintiff,  
23 vs.  
24 OMNIBRANDS, INC.,  
25 Defendant.

Case No.: C 04-1445 JW HRL  
**ORDER OF DISMISSAL PURSUANT TO  
STIPULATION AND [PROPOSED]  
ORDER STAYING ALL PROCEEDINGS  
IN ACTION**

[Declarations of Rachel Matteo-Boehm and  
Robert A. Weikert submitted together with  
this stipulation pursuant to L.R. 6-2(a)]

1 Pursuant to Northern District L.R. 6-2 and 7-12, Plaintiff Omni Pacific Company, Inc.  
2 ("Plaintiff") and Defendant OmniBrands, Inc. ("Defendant") stipulate as follows:

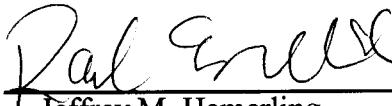
3 WHEREAS, on August 25, 2005, the parties entered into a confidential settlement  
4 agreement in connection with the above-referenced matter; and

5 WHEREAS, that agreement provides that all proceedings in this lawsuit be stayed for  
6 twelve (12) months to allow for the performance of certain conditions precedent to dismissal of  
7 this action, after which time the settlement agreement provides for the filing of a stipulation for the  
8 dismissal of this action with prejudice;

9 NOW, THEREFORE, the parties hereby submit this stipulation requesting an order  
10 staying all proceedings in this case for a period of twelve (12) months. The parties further request  
11 that this stay operate to suspend all pending case management deadlines in this case, together with  
12 all deadlines imposed by the Federal Rules of Civil Procedure and/or any other applicable rules. In  
13 addition, the parties request that the stay operate to suspend the August 31, 2005 deadline for  
14 Defendant to produce documents and information pursuant to the Court's August 11, 2005 Order  
15 on Plaintiff's Motion to Compel Discovery.

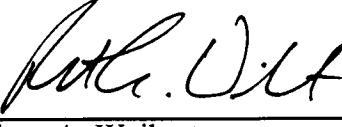
16 Dated: August 25, 2005

DLA PIPER RUDNICK GRAY CARY US LLP

18 By   
19 Jeffrey M. Hamerling  
20 Rachel E. Matteo-Boehm  
21 Attorneys for Defendant  
OMNIBRANDS, INC.

22 Dated: August 25, 2005

THELEN REID & PRIEST LLP

23 By   
24 Robert A. Weikert  
25 Attorneys for Plaintiff  
26 OMNI PACIFIC COMPANY, INC.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED. All proceedings in this action  
2 shall be stayed for a period of six (6) months from the date of this order. The Clerk shall  
3 operate to suspend all case management deadlines and all deadlines imposed by the Federal Rules  
4 of Civil Procedure and/or any other applicable rules. The Clerk shall operate to suspend  
5 the August 11, 2005 Order on Plaintiff's Motion to Compel Discovery.  
6 Court's August 11, 2005 Order on Plaintiff's Motion to Compel Discovery.

7 The case is ordered dismissed, but may be reopened by either party by filing a  
8 notice to that effect. The Clerk will close the file for now.

9 Dated: August 29, 2005

10 By /s/James Ware  
11 Hon. James Ware  
12 United States District Court Judge

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